



U.S. Department of Justice
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NEWS RELEASE

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Coercive Population Control Cap Is Lifted — Full Asylum Granted After Security Clearance *Conditional Asylees Must Report Current Address to Receive Important Notice Mailings*

FALLS CHURCH, Va. – The Executive Office for Immigration Review (EOIR) today stressed the importance for individuals in the United States who have been previously granted conditional asylum (conditional asylees) — based on persecution related to resistance to a coercive population control program (CPC) — to comply with address reporting requirements.

Beginning in 1996, asylum has been granted to such individuals on a conditional basis because the law limited to 1,000 per fiscal year the number of applicants who can receive asylum on grounds related to CPC. Effective May 11, 2005, the numerical limit was lifted and conditional asylees are eligible for a final grant of asylum if they clear the required updated background security investigations performed by the Department of Homeland Security (DHS).

EOIR has received reports that a number of conditional asylees may not be receiving their mailed notices regarding security clearance requirements or final decisions because they have not updated their address information — even though they have a continuing obligation to do so. Old, incorrect address information may cause individuals to risk losing their eligibility for full asylum benefits, or encounter significant delays in receiving their final decision notices.

To help remedy this situation:

- **Conditional asylees and their dependents who have not recently received the DHS notices regarding security clearance requirements MUST report their current address immediately.** If they fail to do so and their address on record is not current, they will not receive the mailed scheduling notice for their required security clearance procedures. Consequently, when they fail to appear for their security clearance procedures, their conditional grant of asylum may be considered abandoned, and they may not receive full asylum benefits.

As of Nov. 9, 2005, DHS has mailed scheduling notices for security clearance procedures to the approximately 11,000 individuals with conditional grants of asylum based on coercive population control. However, approximately 5,700 individuals — who should have received their scheduling notices for security clearance procedures — have not appeared for their security clearance procedures and risk losing their eligibility for full asylum benefits. It may be that many of these individuals have moved and have not notified the government of their address change. For those individuals granted conditional asylum by EOIR, these notices were sent to the last known address of record on file at EOIR.

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Based on addresses provided by EOIR, DHS will arrange one final re-scheduling of these individuals for fingerprinting and data collection at U.S. Citizenship and Immigration Services (USCIS) Application Support Centers. Re-scheduling notices will be mailed to the addresses that EOIR has on record as of June 30, 2006.

- **Conditional asylees who have received and complied with the recent DHS scheduling notices for security clearance requirements BUT HAVE MOVED since then also MUST report their current address immediately**, in order to receive their final decision notice regarding full asylum benefits.
- **Attorneys who represent conditional asylees but who have not filed either a Form EOIR 27, “Notice of Entry of Appearance as Attorney or Representative Before BIA,”** <http://www.usdoj.gov/eoir/eoirforms/instru27.htm> **or Form EOIR 28, “Notice of Entry of Appearance as Attorney or Representative Before Immigration Judge,”** <http://www.usdoj.gov/eoir/eoirforms/instru28.htm> **MUST do so immediately.**

To report current addresses, conditional asylees MUST follow the directions below:

- If an **IMMIGRATION JUDGE** issued the conditional grant of asylum:
Individuals **MUST** submit to the immigration court that last had jurisdiction over their case a completed Form EOIR-33/IC, “Change of Address Form,” <http://www.usdoj.gov/eoir/eoirforms/eoir33/ICadr33.htm> and a copy of the immigration judge’s conditional grant of asylum order for their case within **5 days** of any change of address.

Also, they **MUST** submit to DHS, at the address indicated in the Form AR-11 instructions, a completed Form AR-11, “Alien’s Change of Address Card,” <http://www.uscis.gov/graphics/formsfee/forms/ar-11.htm> within **10 days** of any change of address.

- If the **BOARD OF IMMIGRATION APPEALS** issued the conditional grant of asylum:
Individuals **MUST** submit a completed Form EOIR-33/BIA, “Change of Address Form,” <http://www.usdoj.gov/eoir/eoirforms/eoir33bia.pdf> and a copy of the BIA conditional grant of asylum decision for their case within **5 days** of any change of address to the address below:

Board of Immigration Appeals
Clerk’s Office
Post Office Box 8530
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041 Phone: 703-605-1007

Also, they **MUST** submit to DHS, at the address indicated in the Form AR-11 instructions, a completed Form AR-11, “Alien’s Change of Address Card,” <http://www.uscis.gov/graphics/formsfee/forms/ar-11.htm> within **10 days** of any change of address.

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Background

On May 11, 2005, the President signed into law H.R. 1268, the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, Tsunami Relief, 2005.” Division B of the new law contains the Real ID Act, which includes a provision that eliminates the numerical limitation on asylum grants relating to persecution for resistance to coercive population control methods.

Although individuals with conditional grants of asylum no longer have to wait for an authorization number to become available, those individuals cannot receive a final grant of asylum until they clear updated background, identity, and security checks. These checks require individuals to comply with DHS biometrics collection, including fingerprinting. Conditional asylees’ spouses and children — who reside in the United States and were properly included in the conditional asylee’s asylum application (Form I-589) — may be eligible for asylum benefits, subject to the clearance of background and security investigations. To receive asylum benefits as dependents, children must be under 21 years of age or classified as children under the Child Status Protection Act.

Individuals with conditional asylum status must await the final grant of asylum and any statutory waiting periods before they may file applications for dependents who are following to join them (Form I-730) and applications for adjustment of status (Form I-485).

For More Information

News releases and a fact sheet from prior years regarding the previous annual issuance of full asylum benefits based on CPC are on EOIR’s website at <http://www.usdoj.gov/eoir/press/subject.htm>.

Individuals who have received final asylum approval notices may obtain information about their benefits and responsibilities on the USCIS website at <http://uscis.gov/graphics/services/asylum/types.htm> and <http://uscis.gov/graphics/services/residency/IJBenefit.htm> and on the EOIR website at <http://www.acf.hhs.gov/programs/orr/AsyleeEligibility.pdf>.

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